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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LANIER, BENJAMIN E

ART UNIT

PAPER NUMBER

2132

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,536	Applicant(s) SUH ET AL.	
	Examiner BENJAMIN E. LANIER	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7 and 12-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7 and 12-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 04 February 2008 amends claims 3, 4, 30-40 are amended. Applicant's amendment has been fully considered and entered.

Response to Arguments

2. Applicant argues, "conspicuously absent from Newman is any disclosure or suggestion of 'copy protection indicating information indicating whether or not the computer readable medium contains copy protection information,' as recited in claim 1." This argument is not persuasive because the claim actually requires, "copy protection indicating information indicating whether or not the computer readable medium contains copy protection information **for use in encrypting/decrypting data**." Any encryption/decryption key stored in the lead-in area would meet the claim limitation. Newman discloses a method for copy protection wherein access control information, such as a decryption key (Col. 10, lines 65-66), is stored in the lead-in area of the CD (Col. 6, lines 45-50 & Figure 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1, 3, 4, 7, 12-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Newman, U.S. Patent No. 6,353,890, in view of Timmermans, U.S. Patent No. 5,737,286.

Referring to claims 1, 3, 7, 13, 30, Newman discloses a method for copy protection wherein access control information, such as a decryption key (Col. 10, lines 65-66), is stored in the lead-in area of the CD (Col. 6, lines 45-50 & Figure 2), which meets the limitation of a lead-in area storing copy protection indicating information indicating whether or not the computer readable medium contains copy protection information for use in encrypting/decrypting data, the copy protection information being encryption/decryption key information required for use in encrypting/decrypting the data, the copy protection indicating information is included within control information recorded in the lead-in area of the computer readable medium. Newman does not disclose storing the decryption key in the track wobble of the optical disc. Timmermans discloses a digital storage system wherein an encrypted data file is stored on an optical disc with a decryption key stored in the track wobble (Col. 7, lines 9-14), which meets the limitation of the copy protection information being recorded in wobbled patterns. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the decryption key of Newman in the track wobble of the optical disc in order to aid in the digital file recovery process as taught in Timmermans (Col. 7, lines 9-12).

Referring to claims 4, 14-18, 31-35, Newman discloses that the access control information includes error correction information and a decryption key necessary to access the

content (Col. 6, lines 45-54 & Col. 10, lines 65-66), which meets the limitation of the copy protection indicating information signifies to a reproducing apparatus to reproduce the data based on the copy protection information if the copy protection indicating information indicates the computer readable medium contains copy protection information, reproducing the data utilizing the copy protection information if the recording medium contains copy protection information for use in encrypting/decrypting the data, or reproducing the data directly without utilizing the copy protection information, if the recording medium does not contain copy protection information for use in encrypting/decrypting the data, detecting the copy protection information and reproducing the data utilizing the detected copy protection information if the copy protection information is active, decrypting the data utilizing the copy protection information.

Referring to claims 12, 15, Timmermans discloses that the decryption key is stored in the track wobble using modulation (Col. 7, lines 12-17), which meets the limitation of the copy protection indicating information and/or the copy protection information are recorded by a phase modulation method, the reproducing includes detecting bi-phased modulated data and detecting the copy protection information using the bi-phased modulated data if the recording medium contains copy protection information for use in encrypting/decrypting the data based on the copy protection indicating information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the decryption key of Newman in the track wobble of the optical disc in order to aid in the digital file recovery process as taught in Timmermans (Col. 7, lines 9-12).

Referring to claims 19-21, 36-38, Newman discloses a method for copy protection wherein access control information, such as a decryption key (Col. 10, lines 65-66), is stored in

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the lead-in area of the CD (Col. 6, lines 45-50 & Figure 2), which meets the limitation of detecting copy protection indicating information indicating whether or not the computer readable medium contains copy protection information for use in encrypting/decrypting data, the copy protection information being encryption/decryption key information required for use in encrypting/decrypting the data, the copy protection indicating information is included within control information recorded in the lead-in area of the computer readable medium, the recording medium does not contain copy protection information for use in encrypting/decrypting the data if the copy protection indicating information indicates the recording medium does not contain copy protection information. The access control information includes error correction information and a decryption key necessary to access the content (Col. 6, lines 45-54 & Col. 10, lines 65-66), which meets the limitation of playing the data utilizing the copy protection information if the recording medium contains copy protection information for use in encrypting/decrypting the data, or playing the data directly without utilizing the copy protection information, if the recording medium does not contain copy protection information for use in decrypting the data, based on the detected copy protection indicating information. Newman does not disclose storing the decryption key in the track wobble of the optical disc. Timmermans discloses a digital storage system wherein an encrypted data file is stored on an optical disc with a decryption key stored in the track wobble (Col. 7, lines 9-14), which meets the limitation of the copy protection information being recorded in wobbled patterns. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the decryption key of Newman in the track wobble of the optical disc in order to aid in the digital file recovery process as taught in Timmermans (Col. 7, lines 9-12).

Referring to claims 22, 23, 39, 40, Newman discloses that the access control information includes error correction information and a decryption key necessary to access the content (Col. 6, lines 45-54 & Col. 10, lines 65-66), which meets the limitation of the recording medium contains copy protection information for use in encrypting/decrypting the data when the copy protection indicating information indicates the recording medium contains copy protection information and a value of the copy protection information indicating that copy protection information is present, said playing includes decrypting the data utilizing the copy protection information.

Referring to claim 24, Newman discloses a method for copy protection wherein access control information, such as a decryption key (Col. 10, lines 65-66), is stored in the lead-in area of the CD (Col. 6, lines 45-50 & Figure 2), which meets the limitation of utilizing copy protection indicating information indicating whether or not the computer readable medium contains copy protection information for use in encrypting/decrypting data, the copy protection information being encryption/decryption key information required for use in encrypting/decrypting the data, the copy protection indicating information is included within control information recorded in the lead-in area of the computer readable medium, the recording medium does not contain copy protection information for use in encrypting/decrypting the data if the copy protection indicating information indicates the recording medium does not contain copy protection information. The content can be recorded on an optical disc (Col. 4, lines 17-45), which meets the limitation of recording the data based on the copy protection information. Newman does not disclose storing the decryption key in the track wobble of the optical disc. Timmermans discloses a digital storage system wherein an encrypted data file is stored on an

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optical disc with a decryption key stored in the track wobble (Col. 7, lines 9-14), which meets the limitation of the copy protection information being recorded in wobbled patterns. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the decryption key of Newman in the track wobble of the optical disc in order to aid in the digital file recovery process as taught in Timmermans (Col. 7, lines 9-12).

Referring to claims 25-29, Newman discloses that the access control information includes error correction information and a decryption key necessary to access the content (Col. 6, lines 45-54 & Col. 10, lines 65-66), which meets the limitation of the data may be recorded utilizing the copy protection information if the recording medium contains copy protection information for use in encrypting/decrypting the data, or the data may be recorded directly without utilizing the copy protection information, if the recording medium does not contain copy protection information for use in encrypting/decrypting the data, the recording medium does not contain copy protection information for use in encrypting/decrypting the data if the copy protection indicating information indicates the recording medium does not contain copy protection information wherein the recording records the data without encryption, the recording medium does not contain copy protection information for use in encrypting/decrypting the data if the copy protection indicating information indicates the recording medium contains copy protection information, but a value of the copy protection information indicates that copy protection information is not present, wherein the recording records the data without encryption, the recording medium contains copy protection information for use in encrypting/decrypting the data when the copy protection indicating information indicates the recording medium contains copy protection information and a value of the copy protection information indicates that copy

protection information is present, wherein the recording records the data encrypted utilizing the copy protection information, encrypting the data utilizing the copy protection information precedes recording of the data.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN E. LANIER whose telephone number is (571)272-3805. The examiner can normally be reached on M-Th 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin E Lanier/
Primary Examiner, Art Unit 2132